

REMARKS

Reconsideration and entry of the above amendments and these remarks is respectfully requested. Claims 1 and 7 have been amended. Claims 1, 3, 4, 6, 7, 9, 10 and 12 are pending.

The Examiner repeats the claims rejection under 35 U.S.C. 112. However, this rejection was addressed in the previous Amendment. In particular, claims 1, 6, 7 and 12 no longer recite the term “varies”. Claims 2 and 8 are not even pending. Thus, the rejection should be withdrawn for the reasons presented in the previous Amendment.

Claims 1, 3, 4, 7, 9 and 11 stand rejected under 35 U.S.C. 102(e) as being anticipated by Togashi et al. Claims 1 and 7 have been amended to define the invention more clearly and thus obviate the rejection. In particular, claims 1 and 7 recite that the second portion of the wall is in direct communication with the first portion such that fuel which enters the first portion at the first surface can flow through the first portion directly into the second portion and exit the second portion at the second surface. The claims recite that the first and second portions are part of the wall defining the orifice “penetrating the member”. The orifice that penetrates the member 111 in Togashi et al. is orifice 107. Portion 201 of Togashi et al. cannot be considered to be part the orifice 107. Furthermore, there is no flow through the portion 107 directly into orifice 107 as now claimed.

In addition, claims 1 and 7 as amended recite that the perimeter is defined as an abutment of the first and second portions, with the perimeter lying in a plane that is oblique with respect to the first surface. There is no abutment of the first portion 201 and the second portion 107 in Togashi et al. and thus, no perimeter as claimed.

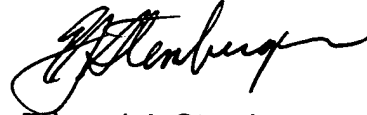
For these reasons, the rejection should be withdrawn.

Claims 1, 4, 7 and 10 stand rejected under 35 U.S.C. 102(b) as being anticipated by Kurita et al. Claims 1 and 7 have been amended to recite that the perimeter is defined as an abutment of the first and second portions, with the perimeter lying in a plane that is oblique with respect to the first surface. In Kurita et al., the perimeter of the “cylinder” 34 that abuts portion 100a is in a plane that is parallel to surface defining the fluid entrance 34a (first surface). Thus, the rejection should be withdrawn.

JOSEPH – Appln. No. 10/622,567

All rejections having been addressed, it is respectfully submitted that this application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'E. Stemberger', with a stylized, cursive script.

Edward J. Stemberger
Registration No. 36,017
Attorney for Applicant
Telephone No. 202-261-1014

Customer No. 75227